

August 19, 2005

Western Washington Municipal SW Comment
Bill Moore
WA Department of Ecology
Water Quality Program
PO Box 47600
Olympia, WA 98504-7600

RE: Comments on NPDES Phase II First Preliminary Draft

Dear Mr. Moore,

Thank you for the opportunity to comment on the first preliminary draft to the NPDES Phase II Permit. The City of Lynnwood has the following comments to offer:

1. Section S4 appears to be a tool by which TMDL requirements can be enforced, whereas TMDL requirements are not enforceable without this permit. The City does not think this is appropriate. The legislature felt the need to leave TMDL requirements without an enforcement measure, and the legislature, not an enforcement body such as WDOE should be the one to change them.
2. Section S5.A states that the permit does not authorize a violation of water quality standards. However, S5.B states that a permittee is required to reduce the discharge of pollutants to the maximum extent possible. S5.C.1 states that permittees will be considered in compliance with this permit if they adopt the technical standards of Appendix 1. These provisions appear to contradict each other, as a "best effort" approach, or applying approved technical standards may still violate state water quality standards.
3. Section S6 requires Cities to develop a water quality monitoring program. This information will be used by WDOE to evaluate the effectiveness of the permits. This is unjustly putting the financial burden of WDOE testing on local municipalities.
4. Regarding section S7, it would be helpful for WDOE to create a model ordinance or model program for local jurisdictions to follow, so that they will be in compliance.
5. This permit would make several common practices illegal, such as lawn watering and irrigation, surfacing ground water and springs, foundation drains, wetland flows, and other natural sources of water. This is completely unrealistic to try and regulate and prevent the discharge of this water to the storm system. Any permittee would be powerless to prevent this type of discharge, and enforcing this provision would be ridiculous. Most of these waters are not a source of

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- pollution, or degradation to the storm system. Making these discharges illegal is completely unacceptable to the City.
6. Overall, the cost to implement these measures appears to be quite large. This appears to be an unfunded mandate.

Thank you for the opportunity to comment. If you have any questions, please contact Jared Bond at 425-670-6637.

Sincerely,
CITY OF LYNNWOOD

William A. Franz, P.E.
Director of Public Works
Public Works Department

Jared Bond
Environmental Coordinator
Public Works Department